

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARIA DABU,)	
)	
Plaintiff(s),)	No. C 08-5626 JSW (BZ)
)	
v.)	ORDER SCHEDULING DEFAULT
)	JUDGMENT HEARING
BECKS CREEK INDUSTRY,)	
)	
Defendant(s).)	
_____)	

It is **HEREBY ORDERED** that a hearing on plaintiffs' application for default judgment is scheduled for **Wednesday, September 23, 2009 at 10:00 a.m.** in Courtroom G, 15th Floor, 450 Golden Gate Avenue, San Francisco, California, 94102.

Compliance with 50 App. U.S.C. § 501 et seq. of the Servicemembers' Civil Relief Act may not be satisfied on information and belief. See 50 App. U.S.C. § 521(b)(1); United States v. Simmons, 508 F. Supp. 552 (E.D. Tenn. 1980)(interpreting 50 App. U.S.C. § 520(1), predecessor to 50 App. U.S.C. § 521(b)(1)). The public website <https://www.dmdc.osd.mil/scra/owa/home> will provide the current active military status of an individual and has

1 instructions on obtaining certificates of service or non-
2 service under the Servicemembers' Civil Relief Act.

3 Plaintiff should be prepared to prove her damages by
4 competent testimony or other admissible evidence. If
5 plaintiff intends to prove damages by affidavits or
6 declarations, the affiant or declarant should have personal
7 knowledge of all matters to which she testifies. For all
8 evidence, proper foundations must be established. For an
9 explanation of the evidentiary requirements for proving
10 damages in a default case, the parties are encouraged to
11 consult Chapter Six of Civil Procedure Before Trial by William
12 W. Schwarzer, A. Wallace Tashima, and James M. Wagstaffe.

13 Plaintiff should note that the decision to award
14 statutory damages under the Fair Debt Collections Practices
15 Act ("FDCPA"), and the size of such award, is left "to the
16 sound discretion of the district court." Savino v. Computer
17 Credit, 164 F.3d 81, 86 (2d Cir. 1998). In making a
18 determination regarding whether to award statutory damages
19 under the FDCPA, "the court shall consider, among other
20 relevant factors . . . the frequency and persistence of
21 noncompliance by the debt collector, the nature of such
22 noncompliance, and the extent to which such noncompliance was
23 intentional." 15 U.S.C. § 1692(k)(b).

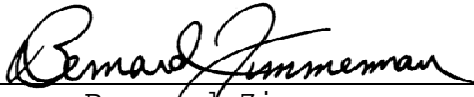
24 Defendant should attend the hearing if it contests the
25 validity or amount of plaintiff's claim. Seven days before
26 the hearing, on **Wednesday, September 16, 2009**, plaintiff shall

27 ///

28 ///

1 file a declaration setting forth in detail all steps taken to
2 serve defendant with notice of this hearing.

3 Dated: July 7, 2009

4
5 
6 Bernard Zimmerman
United States Magistrate Judge

7
8 G:\BZALL\REFS\DABU\ORDER SCHEDULING DEF. JUD. HEARING.wpd
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28